

**Introduced by Senator Wolk**  
(Coauthor: Assembly Member Dodd)

February 18, 2016

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An act to amend Section 2715.5 of the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 1133, as introduced, Wolk. Cache Creek Resource Management Plan.

(1) The Surface Mining and Reclamation Act of 1975 governs surface mining operations and reclamation of mined lands and provides, among other things, for the submission of reclamation plans to, and issuance of permits by, lead agencies with respect to surface mining operations. Until December 31, 2017, a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan is to be considered a functional equivalent of a reclamation plan for purposes of the act. The board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented is required, until December 31, 2017, to prepare and forward to the Director of Conservation annually a report containing specified information relating to mining operations.

This bill would delete the repeal date for these provisions, thereby extending the operation of these provisions indefinitely. By extending the duties of the board of supervisors of the county in which the Cache Creek Resource Management Plan is to be implemented, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2715.5 of the Public Resources Code is  
2 amended to read:

3 2715.5. (a) The Cache Creek Resource Management Plan, in  
4 conjunction with a site specific plan deemed consistent by the lead  
5 agency with the Cache Creek Resource Management Plan, ~~until~~  
6 ~~December 31, 2017~~, shall be considered to be a functional  
7 equivalent of a reclamation plan for the purposes of this chapter.  
8 No other reclamation plan shall be required to be reviewed and  
9 approved for any excavation project subject to the Cache Creek  
10 Resource Management Plan that is conducted in conformance with  
11 an approved site specific plan that is consistent with the Cache  
12 Creek Resource Management ~~Plan~~, *Plan* and the standards  
13 specified in that plan governing erosion control, channel  
14 stabilization, habitat restoration, flood control, or infrastructure  
15 maintenance, if that plan is reviewed and approved by a lead  
16 agency pursuant to this chapter.

17 (b) For purposes of this section, the board of supervisors of the  
18 county in which the Cache Creek Resource Management Plan is  
19 to be implemented shall prepare and file the annual report required  
20 to be prepared pursuant to Section 2207.

21 (c) Nothing in this section precludes an enforcement action by  
22 the board or the department brought pursuant to this chapter or  
23 Section 2207 if the lead agency or the director determines that a  
24 surface mining operator, acting under the authority of the Cache  
25 Creek Resource Management Plan, is not in compliance with the  
26 requirements of this chapter or Section 2207.

27 (d) ~~“Site-For purposes of this section, “site specific plan,” for~~  
28 ~~the purposes of this section, plan”~~ means an individual project  
29 plan approved by the lead agency that is consistent with the Cache  
30 Creek Resource Management Plan. Site specific plans prepared  
31 in conformance with the Cache Creek Resource Management Plan  
32 ~~shall, at a minimum, include~~ *shall include, at a minimum*, the  
33 information required pursuant to subdivision (c) of Section 2772,

1 shall comply with the requirements of Article 9 (commencing with  
2 Section 3700) of Subchapter 1 of Chapter 8 of Division 2 of Title  
3 14 of the California Code of Regulations, and shall be provided  
4 along with a financial assurance estimate to the department for  
5 review and comment pursuant to Section 2774. Notwithstanding  
6 the number of days authorized by paragraph (1) of subdivision (d)  
7 of Section 2774, the department shall review the site specific plan  
8 and the financial assurance estimate and prepare any written  
9 comments within 15 days from the date of receipt of the plan and  
10 the estimate.

11 (e) Prior to engaging in an excavation activity in conformance  
12 with the Cache Creek Resource Management Plan, a surface mining  
13 operation shall be required to obtain financial assurances that meet  
14 the requirements of Section 2773.1.

15 ~~(f) This section shall remain in effect only until December 31,~~  
16 ~~2017, and as of that date is repealed, unless a later enacted statute~~  
17 ~~that is enacted before December 31, 2017, deletes or extends that~~  
18 ~~date.~~

19 SEC. 2. No reimbursement is required by this act pursuant to  
20 Section 6 of Article XIII B of the California Constitution because  
21 a local agency or school district has the authority to levy service  
22 charges, fees, or assessments sufficient to pay for the program or  
23 level of service mandated by this act, within the meaning of Section  
24 17556 of the Government Code.